



# Record of Decision

**New Mexico**

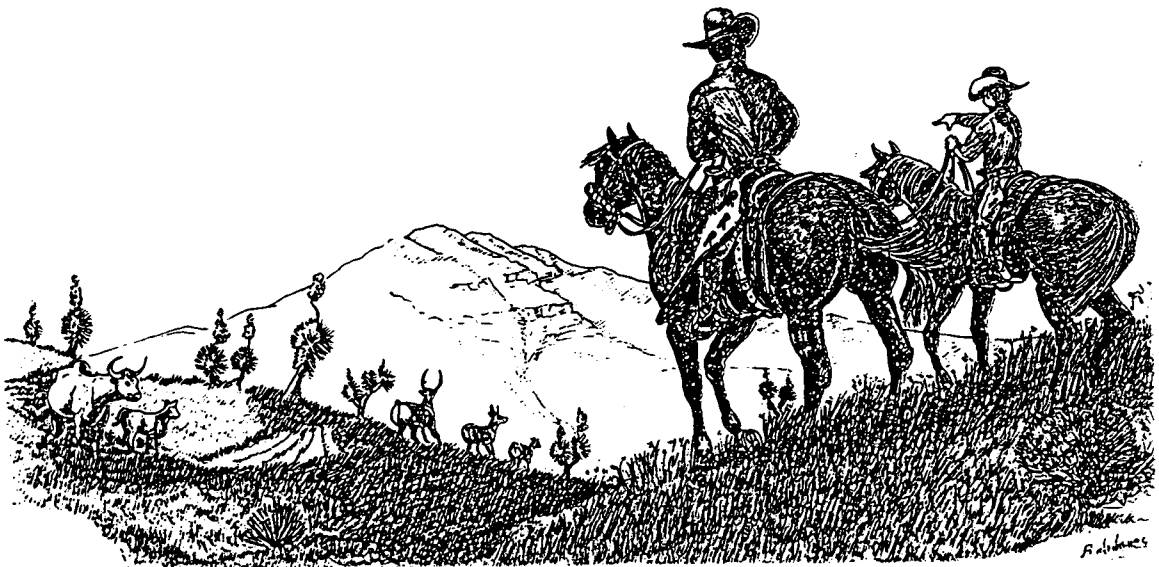
**STANDARDS**

for Public Land Health

and

**GUIDELINES**

for Livestock Grazing Management



Prepared by the Bureau of Land Management  
New Mexico State Office  
April 2000



## United States Department of the Interior

### Bureau of Land Management

New Mexico State Office  
1474 Rodeo Road  
P.O. Box 27115  
Santa Fe, New Mexico 87502-0115

IN REPLY REFER TO:  
1600/1793 (NM-930)

April 5, 2000


Dear Reader:

This document contains the Record of Decision for the Statewide Resource Management Plan Amendment/Environmental Impact Statement for Standards for Public Land Health and Guidelines for Livestock Grazing Management. The Standards for Public Land Health will be applied to Bureau of Land Management administered lands in New Mexico. This amounts to approximately 13.5 million acres.

The document has been sent to all recipients of the proposed Resource Management Plan Amendment (RMPA)/final Environmental Impact Statement (EIS). Copies of the draft RMPA/draft EIS, proposed RMPA/final EIS and Record of Decision are available from the Bureau of Land Management, NM-930, P.O. Box 27115, Santa Fe, NM 87502-0115.

Thanks to the State of New Mexico, the nine cooperating counties, members of the Resource Advisory Council and the public who participated in the planning process and those interested in public land management. For further information contact J.W. Whitney, at (505) 438-7438.

Sincerely,



M. J. Chavez, State Director  
Bureau of Land Management  
New Mexico State Office

# ABSTRACT

## Standards for Public Land Health and Guidelines for Livestock Grazing Management

Draft ( )                      Final ( )                      Record of Decision (X)

United States Department of the Interior, Bureau of Land Management (BLM)

1.      Type of Action:              Administrative (X)                      Legislative ( )

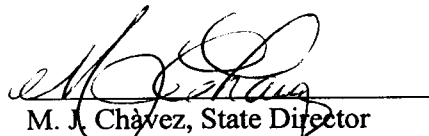
2.      Abstract: This is the Record of Decision for the Statewide Resource Management Plan Amendment/Environmental Impact Statement (RMPA/EIS) documenting the effects of adopting statewide Standards for Public Land Health and Guidelines for Livestock Grazing Management on BLM-administered lands in New Mexico.

The Decision is to select the Standards and Guidelines, for New Mexico, developed in the Modified Resource Advisory Council (RAC) Alternative and described in the Proposed Plan of the proposed RMPA/final EIS. The New Mexico RAC developed the alternative over time, through public participation, including a review of public comments on the draft RMPA/draft EIS.

These Standards and Guidelines will be recommended to the Secretary of the Interior for final approval. They will take effect immediately upon that approval.

This document contains the Decision establishing Public Land Health Standards and Guidelines for Livestock Grazing Management for New Mexico. It includes the following:

- Decision and Management Considerations
- Standards and Guidelines for New Mexico
- Mitigation Measures
- Implementation, Mitigation and Monitoring Procedures

  
M. J. Chavez, State Director  
Bureau of Land Management  
New Mexico State Office

April 5, 2000  
Date

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## SUMMARY

This is the Record of Decision (Decision) for New Mexico Statewide Standards for Public Land Health and Guidelines for Livestock Grazing Management. The Decision amends BLM land use plans to include the Standards and Guidelines. It also amends several specific land use decisions that needed to be modified to be in compliance the new regulations and the principles of public land health.

The Decision is to select the Standards and Guidelines, for New Mexico, developed in the Modified RAC Alternative and described in the Proposed Plan of the proposed RMPA/final EIS.

These Standards and Guidelines will be recommended to the Secretary of the Interior for final approval. They will take effect immediately upon that approval.

Standards describe conditions needed for healthy sustainable public rangelands and relate to all uses of the public land. They provide the measures of resource quality, condition, or function upon which the public land health will be assessed.

There are four standards in the selected decision. The standards are:

- Upland Sites Standard
- Biotic Communities, Including Native, Threatened, Endangered, and Special Status Species Standard
- Riparian Sites Standard
- Sustainable Communities and Human Dimension Standard

Guidelines are either activity or use-specific. Guidelines for livestock grazing are management tools, methods, strategies, and techniques designed to maintain or achieve standards. Guidelines for livestock grazing management apply where the public lands do not meet the standards, the lands are not making significant progress toward the standards, and existing livestock grazing practices are a significant factor.

Guidelines for activities other than livestock grazing are not mandated through regulation; however, they may be developed should the need arise.

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# DECISION

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## 1. INTRODUCTION

The BLM has administrative responsibilities for the management of approximately 13.5 million acres of land in New Mexico. The Bureau of Land Management's (BLM) national strategy is to maintain currently healthy rangelands, identify resources at risk, and restore healthy conditions to those areas that currently are not functioning properly, especially riparian areas. Fundamentally, it is important that the public lands have the necessary physical components of watershed, ecological processes required for healthy biotic communities, water quality standards and objectives, and habitat for threatened or endangered species or other species of special interest. The BLM must meet the fundamentals of rangeland health while providing opportunities for environmentally responsible use of public land resources.

The BLM's management of the public lands should not be an inward looking enclave. Many New Mexico communities depend upon healthy public lands for social, cultural and economic well being. Traditional uses upon which these communities depend can be compatible with wildlife, biodiversity, and national values. Public lands must be managed in partnership so that public land landscapes are not detached from the local communities. Healthy communities can contribute to management of healthy public lands by assisting in conserving and protecting the resources.

The New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management reflect the direction of the Federal Land Policy and Management Act, the National Environmental Policy Act, and other Federal laws; the intent of the Secretary of the Interior's Rangeland Health Initiative; and BLM's national strategy. They were developed in consultation with the Indian tribes, State and Federal land management agencies, County Governments and the public. The New Mexico Resource Advisory Council represents a broad range of public land interests from throughout the State. The New Mexico Standards and Guidelines were unanimously recommended by the New Mexico Resource Advisory Council and the Lt. Governor of New Mexico. The New Mexico Standards and Guidelines conform with the Fundamentals of Rangeland Health and requirements for State or regional standards and guidelines for grazing administration. New Mexico has four standards for public Land Health: (1) Upland Sites Standard; (2) Biotic Communities, Including Native, Threatened, Endangered, and Special Status Species Standard; (3) Riparian Sites Standard; and (4) Sustainable Communities and Human Dimension Standard. New Mexico Guidelines for Livestock Grazing Management have seven components. Guidelines for livestock grazing management apply where the public lands do not meet the standards, the lands are not making significant progress toward the standards and existing livestock

grazing practices are a significant factor. Guidelines for activities other than livestock grazing may be developed in the future.

Another purpose of the Record of Decision is to approve the Bureau of Land Management (BLM) decisions which will amend the land use plans (Resource Management Plans, RMPs) in New Mexico.

## **2. DECISION and MANAGEMENT CONSIDERATIONS**

The Decision is to select the Modified RAC Alternative to be the New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management. This decision will become effective immediately upon approval by the Secretary of the Interior.

The range of alternatives to select from were limited to the Modified RAC Alternative and the Fallback Alternative because the No Action Alternative and the County Alternative are not consistent with the direction and requirements of the regulations at 43 CFR 4180.1 and 4180.2.

The Modified RAC Alternative was selected for a number of reasons, including (1) the Modified RAC Alternative is consistent with the regulations at 43 CFR 4180.1 and 4180.2 to address the principles of public land health and presents the best opportunity for support from the Secretary of the Interior; (2) it includes the Standards and Guidelines developed and recommended by the Statewide Resource Advisory Council with statewide multiple interest input over a number of years; (3) it is expected to have the broadest support within New Mexico due to it being developed by New Mexicans; (4) it provides a balanced approach to addressing the biological, physical and human conditions; (5) it is the most consistent with the academic recommendations from those involved in Rangeland Science at New Mexico State University; (6) it is the easiest to understand and implement and is based upon sound science; (7) it provides for the least amount of short-term economic impact and the greatest economic benefit in the long-term; and (8) it will have the least social and culture impact on the New Mexico rural communities.

## **3. STANDARDS for PUBLIC LAND HEALTH and GUIDELINES for LIVESTOCK GRAZING MANAGEMENT**

Public land health is defined as the degree to which the integrity of the soil and the ecological processes of public land are sustained. Public land health exists when ecological processes are functioning properly to maintain the structure, organization, and activity of the system over time. Healthy public land is sustainable, thus ensuring its use and enjoyment for future generations. Healthy public land also contributes to the social and economic well being and health of many New Mexico communities. Thus, healthy communities are in a better position to contribute to healthy public land by conserving and protecting the resources.

Standards describe conditions needed for healthy sustainable public lands and must be maintained by all users of the public lands. They provide the measures of resource quality, condition, or function upon which the public land health will be assessed. It is not possible to determine if every acre meets every standard nor is it possible for every acre to achieve every standard. Each standard will be tailored for site-specific types of land. The ecological site is a logical and practical unit upon which to base an interpretation of rangeland health. An ecological site is a distinctive kind of land with specific physical



characteristics that differs from other kinds of land in its ability to produce a distinctive kind and amount of vegetation. For example, the deep sand soils in the Southern Desert Basins, Plains and Mountains will produce a different vegetation community than deep sand soils in the Pecos-Canadian Plains and Valleys.

To determine how each standard should be tailored for site-specific situations, a set of measurable indicators and associated criteria will be developed for each ecological site. These indicators and criteria will be used to evaluate the standards and determine rangeland health.

Guidelines are either activity-specific or use-specific. Guidelines for livestock grazing are management tools, methods, strategies, and techniques designed to maintain or achieve standards. They will apply where the public land does not meet the standards and existing livestock grazing practices are determined to be a contributing factor.

Each BLM field office will begin implementation of the standards and guidelines for New Mexico upon approval by the Secretary. A logical system of prioritization will be adopted due to BLM funding and staffing limitations. The first step will be to interpret site indicators and develop management targets for the standards that are specific to an ecological site. Consistent with recommendations from academic and other interests, the BLM plans to develop site indicators and targets in consultation with an interagency team of resource specialists providing peer review.

Once the management targets are established, the next step is inventory the public lands to determine areas that meet or do not meet the standards. Each field office will develop priorities and procedures in consultation with the academic institutions, Soil and Water Conservation Districts, State Land Office, New Mexico Department of Agriculture, Natural Resource Conservation Service, Forest Service, county representatives, other landowners, grazing permittee/lessee and other rangeland interests. For details on State and county involvement see "Implementation, Mitigation and Monitoring Procedures" on page 20 of this Record of Decision.

When it is determined that an area does not meet or making significant progress toward meeting the standard, the BLM will develop a list of potential causes. If current livestock grazing practices are projected to be a significant factor then livestock grazing guidelines will be applied. When applying the grazing guidelines, the BLM manager will consult with the grazing permittee/lessee and other interested public to develop corrective actions. Specific application of the guidelines will occur at the local level in careful and considered consultation, cooperation, and coordination with lessees, permittees, and landowners involved in accordance with Section 8 of the Public Rangeland Improvement Act. The BLM regulations, 43 CFR Section 4180.2 (c), state that: "the authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year."

When other on-going activities appear to be the reason the area is not meeting the standard, adjustments in management will be made to the activity as practical.

Subsequent Section 7 consultation and conferencing will be conducted on proposed site-specific management changes which may affect listed or proposed species or adversely modify critical habitat in accordance with established regulations and BLM policy. The BLM will communicate with participating

cooperators (see “Implementation, Mitigation and Monitoring Procedures” on page 19 of this Record of Decision) to assist in developing additional management options that minimize adverse effects to listed species that are identified during the Section 7 consultation process.

## **NEW MEXICO STANDARDS for PUBLIC LAND HEALTH**

### **Upland Sites Standard**

Upland ecological sites are in a productive and sustainable condition within the capability of the site. Upland soils are stabilized and exhibit infiltration and permeability rates that are appropriate for the soil type, climate, and landform. The kind, amount, and/or pattern of vegetation provides protection on a given site to minimize erosion and assist in meeting State and Tribal water quality standards.

Indicators for this standard may include but are not limited to:

- Consistent with the capability of the ecological site, soils are stabilized by appropriate amounts of standing live vegetation, protective litter and/or rock cover.
- Erosion is indicated by flow patterns characteristics of surface litter soil movement, gullies and rills, and plant pedestalling.
- Satisfactory plant protection is indicated by the amount and distribution of desired species necessary to prevent accelerated erosion.

### **Biotic Communities, Including Native, Threatened, Endangered, and Special Status Species Standard**

Ecological processes such as hydrologic cycle, nutrient cycle, and energy flow support productive and diverse native biotic communities, including special status, threatened, and endangered species appropriate to site and species.

Desired plant community goals maintain and conserve productive and diverse populations of plants and animals which sustain ecological functions and processes.

Restoration should first be achieved with native, and when appropriate non-native plants.

Indicators for this standard may include but are not limited to the following:

- Commensurate with the capability of the ecological site, plant and animal populations are:
  - Productive
  - Resilient
  - Diverse

Sustainable.

- Landscapes are composed of communities in a variety of successional stages and patterns.
- Diversity and composition of communities are indicated by the kinds and amount of species.
- Endangered and special status species are secure and recovering. With the goal of delisting and ensuring that additional species need not be listed within New Mexico.

### **Riparian Sites Standard**

Riparian areas are in a productive, properly functioning, and sustainable condition, within the capability of that site.

Adequate vegetation of diverse age and composition is present that will withstand high stream flow, capture sediment, provide for groundwater recharge, provide habitat and assist in meeting State and Tribal water quality standards.

As Indicated By:

Indicators for this standard may include but are not limited to:

- Stream channel morphology and stability as determined by:
  - Gradient
  - Width/depth ratio
  - Channel roughness
  - Sinuosity.
- Streambank stability as determined by degree of :
  - Shearing and sloughing
  - Vegetative cover on the bank.
- Appropriate riparian vegetation includes a mix of communities comprised of species with a range of:
  - Age
  - Density

Growth form.

### **Sustainable Communities and Human Dimension Standard**

Economic, social and cultural elements are essential components of public land management.

When engaged in NEPA and RMP planning and decision-making for public land management, the New Mexico BLM, in consultation with Tribal, State and local governments, individuals, and other concerned public and private organizations, will use available means and measures to maintain in productive harmony, the various public land resources consistent with multiple use to best meet the present and future needs of the people, those being the permittees, lessees, other affected interests, and local communities in the maintenance of productive and sustainable ecological sites for present and future generations of Americans.

As Indicated By:

Indicators for this standard may include but are not limited to:

Efforts at conflict resolution, negotiation and communication.

Formal and informal agreements and partnerships with private landowners and others.

Consider the following factors:

Economic (income, tax base, related services, and risk assessment);

Social (community stability, aesthetics, values and population change);

Cultural (customs or traditions, values and sense of community).

## **NEW MEXICO GUIDELINES for LIVESTOCK GRAZING MANAGEMENT**

### **Introduction**

Guidelines are reasonable and practical management options which, when applied, move rangelands toward statewide standards. Guidelines also balance resource goals contained in RMPs with social, cultural/historic, and economic opportunities to sustain viable local communities, and to consider recreation and aesthetic values. Guidelines are based on science, past and present management experience, and public input.

These guidelines are for public lands livestock grazing. They do not apply where public lands are deemed unsuitable or not used for livestock grazing. These guidelines will be used to develop grazing management practices that will be developed and implemented at the watershed, allotment, or pasture level.

Specific application of these guidelines (Livestock Grazing Management Practices--LGMPs) will occur at the local level in careful and considered consultation, cooperation and coordination with lessees, permittees, interested public, and land owners involved.

New Mexico's intermingled land ownership pattern creates a patchwork of resource management objectives. The resources and BLM's management objectives should be viewed as a whole with recognition for the impact that BLM's management objectives have on private land owners.

Guidelines are designed to encourage innovation and experimentation in the development of alternative livestock grazing management practices. They improve rangeland health and consider the natural migration patterns of impacted wildlife.

### **Guidelines**

1. LGMPs will promote native plant health, soil stability and micro-organisms, water quality, stream channel morphology and function, and habitat for native wildlife including special status, threatened and endangered species, by providing the following basic requirements of rangeland ecological sites:

- (a) Allow for plant recovery and growth time;
- (b) Allow residual vegetation on both upland and riparian sites to protect the soil from wind and water erosion, support infiltration, and soil permeability, maintain, improve, or restore riparian-wetland functions including energy dissipation, sediment capture, ground water recharge, and stream bank stability, and prevent excessive evaporation;
- (c) LGMPs include the use of livestock to:
  - (1) Integrate organic matter into the soil,
  - (2) Distribute seeds and establish seedings,
  - (3) Prune vegetation to stimulate growth,
  - (4) Enhance infiltration.

2. Season, duration, frequency and intensity of use should be flexible and consider climate, topography, vegetation, wildlife, kind and class of livestock when developing and implementing livestock grazing management practices.
3. Facilities are located away from riparian-wetland areas wherever they conflict with achieving or maintaining riparian-wetland function.
4. Give priority to rangeland improvements and land treatments that offer the best opportunity for achieving standards.
5. Where LGMPs alone are not likely to achieve the desired plant community (including control of noxious weeds), land management practices including, but not limited to, prescribed fire, biological, mechanical, and chemical land management treatments should be utilized.
6. Native plant species are recommended for rehabilitating disturbed rangeland. Seeding of non-native species will be considered based on local goals, native seed availability, and cost.
7. The public land grazing resources of New Mexico are managed on the basis of multiple use and sustained yield. Livestock grazing produces food and fiber, and contributes to a diverse, balanced, competitive, and resilient economy. Management should provide opportunities for a variety of individual choice and risk taking ventures in a responsible manner. This guideline may include, but is not limited to, consideration of impacts to employment, earnings, per capita income, investment income, Federal government payments to the State, Tribal and local governments, and tax base.

#### **4. PLAN AMENDMENTS**

In accordance with the grazing administration regulations at 43 CFR 4100, existing land use plans (Resource Management Plans shown in Table 1) have been examined to determine their compliance with the new regulations and the principles of public land health. In several cases, these plans needed changes to existing decisions to be in compliance. With approval of this Record of Decision the land use plans are amended.

The land use plans identified below, as well as other activity level plans, are hereby amended to include the Standards and Guidelines as adopted in this decision. The Standards and Guidelines will become effective immediately upon approval by the Secretary of the Interior and will be incorporated into the land use plans at that time. Where there are plan decisions that are contrary to the new regulations, the principles of public land health, and the Standards and Guidelines, those decisions will be amended to comply.

Each Field Office will make the physical changes to their land use plans, as necessary, to include the approved Standards and Guidelines and to make the necessary changes to the existing decisions identified in Table 2. Table 2 contains the decisions that were analyzed for each alternative to determine what, if any, changes needed to be made. In addition any plan maintenance will be completed. No additional NEPA analysis is necessary to complete these administrative actions.

TABLE - 1		
PLAN NAME	PLAN DATE	FIELD OFFICE
Rio Puerco Resource Management Plan	1986	Albuquerque
White Sands Resource Management Plan	1986	Las Cruces
Farmington Resource Management Plan	1988	Farmington
Taos Resource Management Plan	1988	Taos
Carlsbad Resource Management Plan	1988	Carlsbad
Socorro Resource Management Plan	1989	Socorro
Mimbres Resource Management Plan	1993	Las Cruces
Roswell Resource Management Plan	1997	Roswell

TABLE - 2	
RIO PUERCO RMP - ALBUQUERQUE FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<b>ACCESS/TRANSPORTATION/ORV</b>  <b>Decision:</b> Permitted competitive events such as the "Oh My God 100" will continue to be authorized as not limited to existing roads and trails. p. 81  <b>Objective:</b> To provide areas for motor bikes to hold competitive events on a limited basis.	Modify both the decision and objective. They will read: <i>Decision: Permitted competitive events such as the "Oh My God 100" will be evaluated on a case by case basis and limited to existing roads and trails.</i>  <i>Objective: To evaluate areas for motor bikes to hold competitive events on a case by case basis.</i>
<b>Decision:</b> Another area has been designated for competitive dune buggy events using existing routes (Map 16). p. 81  <b>Objective:</b> To provide a designated area for dune buggy competitive events.	Decision and/or objective will be modified to read: <i>Decision: Competitive dune buggy events will be evaluated on a case by case basis and limited to existing roads and trails.</i>  <i>Objective: To evaluate dune buggy competitive events on a case by case basis.</i>

TABLE - 2	
TAOS RMP - TAOS FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<p>Wildlife</p> <p>The objective of the wildlife program is to maintain, improve, and expand wildlife habitat on the public lands for both consumptive and non-consumptive use. This program is also responsible for the protection and recovery of federal and state listed and candidate threatened and endangered plant and animal species. National legislation has directed the BLM to improve wildlife habitat. There are increasing demands on the wildlife resource for both consumptive and non-consumptive uses, as well as increasing competition with other resource uses, such as recreation, grazing, and fuelwood harvesting. Technical publications, studies, reports, and inventory data are used to update the Taos Resource Area with respect to management objectives and techniques.</p>	<p>Decision will not be modified.</p>
<p>Transportation</p> <p>1. OR use on all public lands retained in Federal ownership are limited to existing roads and trails. There are two area which have special designations for OR use; Rio Chama is closed to OR use; and Fun Valley is open to OR use with Special Stipulations for Cultural and Paleontological values.</p>	<p>Decision will not be modified.</p>
<p>Fun Valley Special Management Area (SMA)</p> <p>Primary use of the Fun Valley SMA will be off-road vehicle use. Individual OR use and organized race events will be directed to this area. As a result, special consideration will be given to the paleontological and cultural resources in the area. Secondary uses will be grazing and mineral material sales.</p>	<p>The first three sentences of the Decision will be modified to read:  <i>One of the uses in the Fun Valley SMA will be off-road vehicle use. Individual OR use and organized race events will be directed to this area. As a result, special consideration will be given to the paleontological, cultural and vegetative resources in the area. Secondary uses will be.....</i></p>



TABLE - 2	
WHITE SANDS RMP - LAS CRUCES FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<b>White Sands RMP - 1986</b> <u>Lands</u> Decision L-3 Land Tenure Adjustment (...New rangeland developments, vegetation treatments, and access will not be proposed in land tenure adjustment areas.)	Decision will be modified by adding the following to the decision: areas), <i>unless it is determined that the development or treatment is necessary to keep the lands in compliance with the New Mexico Standards for Healthy Range.</i>

TABLE - 2	
ROSWELL RMP - ROSWELL FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
Appendix 19. Decisions from Previous Planning Documents  2.) All allotments will be classified as suitable for yearlong grazing unless future activity plans specify a need to change the season of use. (West Roswell MFPA/EIS Record of Decision)	Decision will be modified to read: <i>All allotments will be classified as suitable for yearlong grazing unless resource conditions reflect a need to change the season of use necessary to meet the Standards and Guidelines.</i>
Appendix 19. Decisions from Previous Planning Documents  3.) Develop Allotment Management Plans (AMPs) for allotments where intensive management appears feasible. Grazing schedules incorporated in AMP's should be designed to achieve upward trend and fair or better condition in 6 TO 8 years and maximum sustained carrying capacity in 15 to 20 years. (East Chaves Framework Plan, initially)	Decision will be modified to read: <i>Develop Allotment Management Plans (AMPs) as consistent with the grazing guidelines, to implement management actions needed to move toward achieving the Standards and to respond to requests for plan development by individual permittees/lessees.</i>

ROSWELL RMP - ROSWELL FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<p>Appendix 19. Decisions from Previous Planning Documents</p> <p>7.) Documented grazing programs and/or cooperative management plans (CMPs') will be implemented on "I" category allotments. Specific programs and plan will be applied to individual allotments on a priority basis beginning with those allotments with the highest potential for improvement. (West Roswell MFPA/EIS Record of Decision)</p>	<p>Decision will be modified to read: <i>Documented grazing programs and/or management plans will be implemented on allotments consistent with the grazing guidelines and to respond to requests by permittees/lessee for plan development and implementation.</i></p>
<p>Appendix 19. Decisions from Previous Planning Documents</p> <p>8.) Revise AMP's that have been implemented and are not showing improvement. Revise or develop grazing schedules designed to achieve an improving trend and fair or better condition in 6 to 8 years and maximum sustained carrying capacity in 15 to 20 years.</p>	<p>Decision will be modified to read: <i>Revise AMP's that have been implemented and are not consistent with the Standards &amp; Guidelines.</i></p>
<p>Appendix 19. Decisions from Previous Planning Documents</p> <p>9.) The following allotments do not require prescribed grazing management by BLM. Proper grazing use through the efforts of the rancher and the Soil Conservation Service should be encouraged for these allotments.</p> <p>"C" CATEGORY ALLOTMENTS 5001, 5002, 5003, 5004, 5006, 5008, 5009, 5011, 5013, 5014, 5015, 5016, 5017, 5022, 5023, 5026, 5027, 5030, 5031, 5033, 5035, 5039 (SHERMAN CATTLE), 5039 (RED TANK CORP.), 5042, 5045, 5052, 5054, 5056, 5059, 5060, 5061, 5064, 5070, 5071, 5081, 5093 (East Chaves Management Framework Plan, initially).</p>	<p>This decision will be dropped.</p>

ROSWELL RMP - ROSWELL FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<p>Appendix 19. Decisions from Previous Planning Documents</p> <p>12.) Implementation of rangeland improvement projects will be in accordance with the Final Rangeland Improvement Policy (Washington Office Instruction Memorandum 83-27). In allocating rangeland improvement funds, BLM procedures for evaluating, ranking, and budgeting range improvements will be applied. Appropriated funds available for investment in rangeland improvements will be allocated as follows:</p> <p>a. First, to the maintenance of improvements that continue to serve a valid purpose or objective and for which the BLM has maintenance responsibility.</p> <p>b. Second, for the design, construction and maintenance of new rangeland improvements that conform with a specific development plan for the area. Such plans may be Cooperative Management Plans (CMPs) -now Allotment Management Plans (AMPs), Habitat Management Plans (HMPs), Herd Management Plans (HMAPs) or other plans providing a rational decision-making framework for meeting multiple-use management objectives.</p> <p>c. Additional range improvements will be evaluated and implemented when the need is identified. (West Roswell MFPA/EIS Record of Decision)</p>	<p>Decision will be modified to read: <i>Implementation of rangeland improvement projects and treatments will be consistent with current laws, regulations, policies, land use plans and budgetary priorities. Rangeland improvements and treatments will be designed and implemented in a manner that is consistent and will promote rangeland health and achieve the Standards and Guidelines.</i></p>
<p>Appendix 19. Decisions from Previous Planning Documents</p> <p>15.) Provisions should be made for planning revegetation of land to a level which is suitable for livestock production on land simultaneous with or upon abandonment of a site. Mining areas, oil and gas roads and pads, mineral sites should be protected either through stipulations or by Bureau action prior to disturbance. (East Chaves Management Framework Plan)</p>	<p>Decision will be modified to read: <i>The land will be revegetated to a level which is suitable to promote diversity and ground cover on land simultaneous with or upon abandonment of a site. Mining areas, oil and gas roads and pads, mineral sites will be protected either through stipulations or by Bureau action prior to disturbance.</i></p>

ROSWELL RMP - ROSWELL FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<p>Chapter 2 PRMP/EIS, pg. 2-42 - 43</p> <p>LIVESTOCK GRAZING MANAGEMENT</p> <p>Goal: Provide effective and efficient management of allotments to maintain, improve, and monitor range conditions.</p> <p>Allotment categorization and initial grazing use allocations made in the East Roswell Grazing Environmental Impact Statement (1979) and the Roswell Resource Area Management Framework Plan Amendment/Environmental Impact Statement (1984) would be used as the basis for continued livestock grazing. Changes in use allocations would continue to be made on the basis of monitoring data. Livestock grazing management decisions from previous land use plans, and the disposition of those decisions, are discussed in Appendix 19.</p> <p>Within the Macho WHA, new internal pasture fences constructed of netwire would not be allowed across public lands on allotments that currently support pronghorn or on allotments in the WHA with the potential to provide suitable pronghorn habitat. Future changes in class of livestock would necessitate reconsidering the fencing standard to be used in each situation. Exceptions to this requirement are:</p> <ul style="list-style-type: none"> <li>- The grazing permittee agrees to the construction of pronghorn passes on proposed interior fences;</li> <li>- The grazing permittee agrees to allow the BLM to modify fences;</li> <li>- Netwire would be used in the construction of small traps or holding pens;</li> <li>- Netwire would be used in security fences around facilities such as microwave sites.</li> </ul>	<p>Goal will not be modified.</p> <p>Proposed wording in the PRMP/EIS will be modified to read:  <i>Livestock grazing management decisions made in the East Roswell Grazing Environmental Impact Statement (1979) and the Roswell Resource Area Management Framework Plan Amendment/Environmental Impact Statement (1984) would be used as the basis for continued livestock grazing. Changes in use allocations would continue to be made on the basis of monitoring data. These decisions are discussed in Appendix 19.</i></p> <p>Proposed wording in the PRMP/EIS will be modified to read:  <i>Within portions of the Macho WHA meeting the antelope suitability criteria, new internal pasture fences constructed of netwire would not be allowed across public lands on allotments that currently support pronghorn or on allotments in the WHA with the potential to provide suitable pronghorn habitat. Exceptions to this requirement are:</i></p> <ul style="list-style-type: none"> <li>- <i>The grazing permittee agrees to the construction of pronghorn passes on proposed interior fences;</i></li> <li>- <i>The grazing permittee agrees to allow the BLM to modify fences;</i></li> <li>- <i>Netwire would be used in the construction of small traps or holding pens;</i></li> <li>- <i>Netwire would be used in security fences around facilities such as microwave sites.</i></li> </ul> <p>Future changes in class of livestock would necessitate reconsidering the fence standard to be used in each situation.</p>

ROSWELL RMP - ROSWELL FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<p>Chapter 2 PRMP/EIS, pg. 2-69</p> <p>Special Status Species Habitat Management</p> <p>Goal: Provide protection and recovery for all federal and state listed species. Manage occupied and potential habitat for federal and state-listed species on public land to maintain or enhance populations. Manage habitat for federal candidate species to avoid degrading habitat and further listing by either state or federal governments while allowing for mineral production and development, livestock grazing and other uses.</p> <p>Refer to Appendix 17 for listing of Special Status Species occurring or potentially occurring in the Roswell Resource Area.</p>	<p><i>Goal statement will not be modified.</i></p> <p><i>Decision wording will not be modified.</i></p>

TABLE - 2	
FARMINGTON RMP - FARMINGTON FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<p>Issue #6 - Vegetative Uses - Set the correct levels of vegetative use based on a 5 year monitoring plan. Re-examine the Grazing Memorandum of Understanding between the BLM, BIA, and Navajo Nation to expand the agreement for allotments in the exchange zone and cancel the agreement for allotments in the retention and acquisition zones and in allotments wholly or partially within designated wilderness. (pg 2-3)</p>	<p>Decision will be modified by changing the first sentence to read as follows: Set the levels of vegetative use <i>to achieve resource function commensurate with the Public Land Health Standards.</i></p>

TABLE - 2	
CARLSBAD RMP - CARLSBAD FIELD OFFICE	
EXISTING RMP DECISION/OBJECTIVE	HOW THE PROPOSED ACTION WILL AFFECT DECISION
<b>Vegetation (p. 4 RMP Record of Decision)</b> *Vegetation treatments will be applied to approximately 62,000 acres, or 6% of the total federal acreage, west of the Pecos River. Approximately 95% will be treated with prescribed fire, while the remainder will be treated chemically.	Decision will be replaced with the following wording: <i>Vegetation treatments may be applied as needed to achieve health rangeland standards.</i>
<b>Livestock Grazing</b> <b>Livestock management east of the Pecos will be in accordance with East Eddy-Lea MFP grazing decisions (p.1 Carlsbad RMP)</b> 1.1 Revise 14 existing AMP's to maximize livestock forage on a sustained basis, and to incorporate rest periods to meet the physiological needs of key forage plants.	Decision will be replaced with the following wording: <i>Revise 14 existing AMPs so that livestock forage is available on a sustained basis, commensurate with public land health standards, and to incorporate rest periods to meet the physiological needs of key forage plants.</i>
1.3 Develop grazing systems on 42 allotments to maximize livestock forage on a sustained basis, and to incorporate rest periods to meet the physiological needs of key forage plants.	Decision will be replaced with the following wording: <i>Develop grazing systems on 42 allotments designed to affect the objectives of the New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management.</i>

## 5. ALTERNATIVES

There were four alternatives considered and analyzed in the RMPA/EIS. The No Action Alternative (Present Management) was a picture in time of the management taking place when preparation of the RMPA/EIS was initiated. The No Action Alternative served as the benchmark to compare the other alternatives that were proposed.

The Modified RAC Alternative consisted of statewide Standards and Guidelines developed by the Statewide Resource Advisory Council (RAC). This is the alternative that the BLM has selected as the approved plan. This alternative has standards covering the physical, biological and human aspects of the environment in four separate standards. Of the two alternatives adequate for selection, this alternative was the environmentally preferable alternative due to its inclusion of the social and economic elements in addition to the physical and biological elements.

The County Alternative consisted of statewide Standards and Guidelines developed by the New Mexico members of the Coalition of Arizona/New Mexico Counties. This alternative has four standards, with three covering the physical and biological elements, with the social and economic elements built into each. It also has a separate standard which considered the social and economic elements.

The Fallback Alternative consisted of the national "fallback" Standards and Guidelines as described in the regulations (43 CFR Subpart 4180.2). The Standard and Guidelines were developed at the national level with public input from a variety of interested public from across the nation. This alternative has

standards covering the physical and biological elements in four separate standards, but does not identify the social and economic elements in a standard.

## **6. ALTERNATIVES CONSIDERED but ELIMINATED from FURTHER STUDY**

In addition to the four alternatives analyzed in the RMPA/EIS, two additional proposals were considered based on comments received during the early scoping process but eliminated from further detailed study.

A Suitability Alternative was suggested to eliminate grazing on areas with steep slopes or low amounts of precipitation. It was also suggested that certain soils be classified as unsuitable for livestock grazing. This alternative was not analyzed since the suitability approach has been used historically by BLM as part of the interpretation process for range surveys. The determination of suitability or unsuitability was one step in completion of a range survey. In that process, areas classified as unsuitable were rated as having a zero capacity for grazing by the survey. The unsuitable lands were often intermixed with suitable areas within a given area. Therefore, suitability was used only for a level of expected forage use and was not used to determine if grazing should be eliminated.

Currently, BLM uses rangeland monitoring data to adjust livestock grazing capacity information rather than one-time forage surveys. By monitoring to evaluate grazing capacity, BLM focuses on the effects of grazing on-the-ground as opposed to projecting possible effects. Because BLM now uses this more up-to-date technique of rangeland monitoring rather than the older method, suitability is no longer used and thus was not considered as a viable alternative.

A No Grazing Alternative was suggested to eliminate all grazing from the public lands. This alternative has been analyzed in detail in the national Rangeland Reform '94 EIS, and in previous EIS documents. Livestock grazing is authorized by law and regulation, and is well established within the BLMs multiple-use mandate. Resource conditions do not warrant a statewide prohibition of livestock grazing. Analysis of a No Grazing Alternative was not considered feasible or necessary.

## **7. MITIGATION MEASURES**

After determination of site-specific standards for public land health, the BLM must determine the activities that it believes are contributing to the lack of achieving the standard. At that time, BLM will determine probable reasons for not meeting the standards. When current livestock grazing practices are determined to be one of the reasons for not meeting the standard, consultation, cooperation and coordination will begin with the livestock grazing permittee/lessee, landowners involved, RAC, the State of New Mexico, local governments and interested public. In consultation with affected interests, the BLM will then develop a plan to adjust these activities to insure the standard is achieved. For example, in grazing, the BLM in consultation, coordination and cooperation with the permittee/lessee and other affected interests will identify how to adjust livestock grazing practices to be in concert with the rangeland health standards and livestock grazing guidelines. This process will include discussion of opportunities to mitigate adverse impacts to the various parties.

Executive Order 12898, Interior policies and BLM policies establish direction for BLM to mitigate for environmental justice. To meet the environmental justice requirements, as the program develops, the BLM in consultation with the counties will monitor demographics, disproportionate impacts, stakeholder involvement, and benefits and burdens.

During the planning process, when private property right owners believe their rights are being impacted, they can request a Takings Implication Assessment (TIA) under Executive Order 12630.

A full spectrum of possible mitigation was raised in discussions BLM had with the joint lead (State of New Mexico) and cooperators (nine cooperating counties) for the EIS. This full spectrum is discussed here to give the reader an understanding what that range of mitigation is. Some of the listed mitigation measures are feasible or likely to be used while others are not. The feasibility of each is discussed in general terms below.

1. Reducing the scope of the project - This would entail changing the project to deal specifically with the area where current conditions and grazing practices are not acceptable instead of a larger area within the allotment or within a pasture. While this approach might be more expensive to implement, it might lessen impact to the permittee/lessee. This approach seems to be highly feasible; however, it will depend on the specific situation.
2. Delay impacts - This would entail giving the permittee/lessee notice before the actual change is made to the grazing operation so the permittee/lessee has time to plan and make the necessary measures to lessen the impact anticipated. This mitigation is feasible and mandated by FLPMA and the grazing regulations for some situations; however, for other situations the mitigation may not be feasible.

The grazing regulations provide for such mitigation under specific circumstances.

43 CFR 4110.4-2 (b) When public lands are disposed of or devoted to a public purpose which precludes livestock grazing, the permittees and lessees shall be given 2 years' prior notification except in cases of emergency (national defense requirements in time of war, natural disasters, national emergency needs, etc.) before their grazing permit or grazing lease and grazing preference may be canceled. A permittee or lessee may unconditionally waive the 2-year prior notification. Such a waiver shall not prejudice the permittee's or lessee's right to reasonable compensation for, but not to exceed the fair market value of his or her interest in authorized permanent range improvements located on these public lands (see 4120.3-6).

When the BLM is not proposing to cancel the preference or when the proposed action is not excluding livestock use, the 2 year delay is not mandated by regulation, 43 CFR 4180.2 (c) will apply. It states:

The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water.

3. Take actions so impacts occur over a period of time - This would entail dealing with making changes to the grazing operation over time to spread out the impact surge to the permittee/lessee. For example,



treat one pasture at a time instead of all pastures where brush treatments are called for to help meet the standard for public land health. This approach seems to be moderately to highly feasible, but will be based on the specific situation. If significant progress toward meeting goals and objectives on the allotment is not being made as a whole, the BLM's authorized officer will follow 43 CFR 4180.2 c (see No. 2).

4. Take no action - This would entail not taking any action to improve the public land health by implementing grazing guidelines as a way of lessening impacts to the permittee/lessee. This approach will not be feasible as it conflicts with the grazing regulations (43 CFR 4180.2 c) (see No. 2) which mandate that action will be taken by the next grazing season. Although no action to resolve grazing conflict will not be possible taking no action on certain proposed management tools or practices may be feasible.

5. Compensate for loss of range improvement values - This would entail the permittee/lessee being paid a reasonable compensation for the adjusted value of the improvements owned by the permittee/lessee, not to exceed fair market value. This approach seems to be highly feasible as it is provided for now in the law.

The FLPMA states in Sec 402 (g):

Whenever a permit or lease for grazing domestic livestock is canceled in whole or in part, in order to devote the lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States a reasonable compensation for the adjusted value, to be determined by the Secretary concerned, of his interest in authorized permanent improvements placed or constructed by the permittee or lessee on lands covered by such permit or lease, but not to exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Except in cases of emergency, no permit or lease shall be canceled under this subsection without two year' prior notification.

6. Compensate for loss of ranch value - This would entail the permittee/lessee being paid the fair market value for loss of ranch value. At this time this approach will not be feasible, as the TGA declares a grazing permit on the Federal range to be a privilege not a right. The Fifth Amendment does not require the government to pay for loss of value added to the permittees/lessees private lands used in combination with the government permit land, and the TGA does not authorize compensation for such added value. The argument that the increment of value added to a private ranch by public land grazing permit is a compensable property interest was considered and rejected by the United States Supreme Court in United States v. Fuller, 409 U.S. 488 (1973).

## **8. IMPLEMENTATION, MITIGATION and MONITORING PROCEDURES**

In implementation of the standards for public land health the BLM will:

-consult, cooperate and coordinate with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and

fulfill the social, economic, and other requirements of present and future generations of Americans;

-seek to attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

-seek to achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

-utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making.

Following the direction of FLPMA, BLM will consult, cooperate and coordinate, as appropriate, with the following State agencies/commissions:

State Engineer  
Environmental Department  
Department of Agriculture  
Energy, Minerals and Natural Resources Department  
Department of Tourism  
New Mexico Game and Fish Department  
State Land Office  
Department of Cultural Affairs  
Oil and Gas Commission  
New Mexico Oil Conservation Commission  
Interstate Stream Commission  
Water Quality Control Commission  
Soil and Water Conservation Commission  
New Mexico Game and Fish Commission

and

Local governments, as appropriate

to:

-insure that BLM's programs are consistent with State versus Federal jurisdictions;

-provide for timely advice with respect to public land matters from State government officials, both elected and appointed;

-provide early notification to, and solicit the views of State land management agencies of any action which may have significant impacts upon the agency;

-provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans;

-insure that BLM's inventory, planning, and management activities are in concert with State and local agency plans to the maximum extent consistent with the Federal laws and the purposes of the Federal laws governing the administration of the public lands;

-assure that consideration is given to State plans that are germane and to the extent practical, resolve inconsistencies between Federal and non-Federal Government plans in a timely manner; and

-insure coordination of inventory and assessment of resource data.

by taking the following actions:

- Notify the State agencies of the work schedule to determine which lands meet the standards.
- Request the State agencies provide data they have that will be germane in determining which lands meet the standards.
- After the inventory or assessment, BLM will notify the State agencies of the areas that meet the standards.
- For areas that don't meet the standard, BLM will invite the State agencies to participate in determinations of why the lands do not meet the standards.
- If current livestock grazing practices are determined to be a cause, the BLM will include the State agencies in consultation, cooperation and coordination procedures.

The BLM will request that the State agencies monitor the following indicator data and keep BLM current:

- Water quality
- Water quantity
- Air quality
- Wildlife populations
- Watershed conditions

The BLM will coordinate with the Counties on monitoring and mitigation. To insure coordination with the County government in implementation of the program, the BLM will do the following:

- Notify the County of the work schedule to determine which lands meet the standards.
- Request County and local governments provide data they have that will be germane in determining which lands meet the standards.
- After the inventory or assessment, BLM will notify the County of the areas that meet the standards.
- For areas that don't meet the standard, BLM will invite the County to participate in determinations of why the lands do not meet the standards.
- If current livestock grazing practices are determined to be a cause, the BLM will include the County in consultation, cooperation and coordination procedures.

The BLM will request that the County monitor indicator data for the Sustainable Communities and Human Dimension Standard and keep BLM current. Appropriate social, cultural, and economic indicators, could include, but not limited to such standard sociological and anthropological measurable indicators such as:

- County or local government and schools
  - programs
  - roads/transportation
  - fiscal/financial
- Population and demographic characteristics
  - population changes
  - demographic changes
- Community stability
- Family stability
  - Divorce rates
  - Unemployment
  - Personal income
- Values, attitudes, and beliefs
- Customs and cultures
- Distributional effects

When BLM has feasible mitigation measures that are fiscally prudent and reasonably available to BLM and are in concert with BLM Congressionally granted authorities, it will incorporate the mitigation measures into new activity plans and guideline implementation.

For each of the alternatives prepared in the NEPA process at the activity level or project level, there is a potential for adverse effects. In the NEPA process mitigation measures and monitoring techniques will be developed to:

- a. State the adverse effects that possibly could be avoided or substantially lessened.
- b. If several measures are available, discuss each.
- c. Describe potential monitoring techniques.

The Decision Record will:

- a. Select mitigation measures and the basis for selecting the particular measure.
- b. Monitoring techniques that are prescribed.
- c. Identify roles and responsibilities of the parties.

## **9. PUBLIC INVOLVEMENT**

BLM has had extensive public involvement throughout the process of developing the Standards and Guidelines. Early phases of this involvement were described in the draft RMPA/draft EIS, and in Chapter 5 of the proposed RMPA/final EIS.

The State of New Mexico requested and was granted joint lead status for the project. In addition nine New Mexico Counties requested and were granted cooperator status for the project. The counties that requested and were granted cooperator status include Catron, Chaves, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero and Sierra. A memorandum of understanding was developed among BLM, the State of New Mexico and each cooperator county to define the roles of those involved in the project. Further, BLM has consulted extensively with the Resource Advisory Council (RAC) on content and wording of the Standards and Guidelines.

As stated in the proposed RMPA/final EIS:

Following the comment period on the draft RMPA/draft EIS, the RAC members were sent copies of all of the comment letters. The RAC discussed the comments and the draft RMPA/draft EIS in their meetings. Representatives of the RAC then made recommendations for modification of their original proposals.

Comments made by the public following the draft RMPA/draft EIS were individually analyzed by the RMPA/EIS Team. The comments were responded to in the proposed RMPA/final EIS. The Proposed Plan (Modified RAC Alternative) in the proposed RMPA/final EIS was based upon the original RAC proposals, with changes suggested by the RAC and by BLM, based upon analysis of the public comments.

## **10. PROTEST RESOLUTION**

Following release of the proposed RMPA/final EIS, BLM received fourteen protests. The letters of protest raised issues including:

- the FEIS did not meet the spirit, intent or letter of the National Environmental Policy Act and either the EIS should be redone or a supplemental EIS be undertaken;
- there was not full disclosure in the EIS thus inadequate for local needs;
- a revised social impact table they felt more accurately displays the relative impacts for each alternative.
- the standards and guidelines were inadequate to take care of the land and resources;
- the guidelines incorporated ecological theories discredited by research;
- the proposed action was built on a tenuous foundation of assumptions in violation of applicable laws;

- the BLM would be managing towards un-achievable goals due to base climatic factors used in the document;
- the proposed plan would deny viable use of property interests; and
- the County Alternative would least effect (impact) custom and culture, economics and communities.

Following a review by the Director, it was determined the New Mexico State Director followed applicable procedures, laws, regulations and policies and considered all relevant resource factors and public input in developing the proposed standards and guidelines. It was concluded that there was no basis for changing the New Mexico Standards and Guidelines from that contained in the proposed RMPA/final EIS. The Director of BLM dismissed the fourteen protests and sent letters to the protestors explaining the reasons for the dismissals. Additionally, the BLM Director provided a copy of each protest letters to the New Mexico State Director for consideration in the preparation of the Record of Decision.

## **11. PUBLIC COMMENT on PROPOSED PLAN**

In addition to the protest letters received in Washington D.C., the State Director received five comment letters. Each of the comment letters and letters of protest forwarded by the Director were carefully reviewed for information which might influence the decision. The comment letters raised concerns including:

- urging the State Director to implement the standards on the public lands as soon as possible;
- stating the BLM had missed the opportunity to set specific meaningful standards and guidelines with real restrictions;
- supporting the initiation of alternative grazing regimes that maintain species diversity, vegetative productivity and residual cover, and healthy riparian and upland ecosystems and supporting implementation of the RAC standards and guidelines to benefit the recovery of riparian and upland habitats and benefit wildlife beyond the current baseline conditions; and
- pointing out deficiencies and requesting a supplemental EIS be completed for full disclosure.

After consideration of the comments, it was concluded that there was no basis for changing the New Mexico Standards and Guidelines from that contained in the proposed RMPA/final EIS. The State Director sent a written response addressing the concerns made in comment letters to the parties who sent comment letters.

## **12. BIOLOGICAL ASSESSMENT**

A biological evaluation (BE) addressing listed and proposed endangered and threatened species and designated and proposed critical habitat was completed for the Statewide RMPA on adopting the New Mexico Standards for Public Land Health and Guidelines for Livestock Grazing Management. A request for concurrence on the determinations identified in the BE was sent to the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service concurred with the determination identified in the BE in a letter dated March 28, 2000.

## **13. CONSISTENCY**

There are no known or identified inconsistencies with the plans, programs, and policies of other Federal agencies or State and local Government's. The BLM State Director received a letter signed by Lt. Governor Walter Bradley in response to the Governor's consistency review dated March 2, 2000. In that letter it states: "The State has reviewed the FEIS for any inconsistent actions that may impact our programs, policies and laws. It appears that there are no problems with the document." The Lt. Governor went on to state: "I encourage the BLM to continue to collaborate with the New Mexico Game and Fish Department in addressing allocation of forage for elk and wildlife." He also pointed out the NM Department of Game and Fish has adopted a "Long Range Plan for the Management of New Mexico's Elk" that addresses riparian and habitat problems, along with strategies to resolve them in a collaborative effort with Federal land management agencies. Lt. Governor Bradley went on to state: "The State supports best management practices that support conditions of watershed and riparian areas as well as uplands." The Lt. Governor indicated, he continues to stress that the State work jointly with the BLM as outlined in the "Implementation Section" of the FEIS. That section is reprinted in this ROD and entitled as "8. IMPLEMENTATION, MITIGATION and MONITORING PROCEDURES."

## **14. CONCLUSION**

This Record of Decision is the BLM's final action on approving the Statewide Standards for Public Land Health and Guidelines for Livestock Grazing Management RMPA. Any person adversely affected by a decision of a BLM official to implement any portion of an RMP or plan amendment may appeal such action to IBLA at the time the action is proposed for implementation (43 CFR 4), unless it is a site-specific livestock grazing decision.

Any person affected by a site-specific livestock grazing decision of the BLM in carrying out any portion of this Standards and Guidelines Statewide Plan Amendment may protest a proposed decision to the appropriate Field Manager in accordance with 43 CFR 4160.2, at the time the action is proposed for implementation. In the absence of a protest, the proposed decision will become the final decision without further notice, per 43 CFR 4160.3. In accordance with 43 CFR 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an Administrative Law Judge by following the requirements set out in 43 CFR 4.470.

**UNITED STATES**  
**DEPARTMENT OF THE INTERIOR**  
BUREAU OF LAND MANAGEMENT

NEW MEXICO STATE OFFICE  
P.O. BOX 27115  
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